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ABSTRACT

Collective bargaining in higher education can no longer be characterized as a truly new phenomenon. Presently, one out of every four faculty and professional staff, or approximately 120,000 individuals (two-thirds of whom work in four-year colleges), are members of a labor organization. The literature on the topic has evolved from anecdotal discussions to more sophisticated and analytical materials. The key predictors of faculty unionism are: institutional transition and growth; size; public versus private affiliation; the presence of enabling legislation; and poor faculty and administration relationships caused by structural and functional change. The use of data gathered in attitudinal studies may produce invalid predictions of faculty bargaining behavior. The impact of faculty unions on governance--particularly faculty senates--is of special concern, as is the topic of the student's role in bargaining. Similarly, the union's impact on faculty salaries and fringe benefits is a topic of debate whose end is not in sight. Research on faculty-administration interaction has produced little data and much speculation. Researchers and practitioners have, however, discovered that unionism is neither the panacea that some had seen it as nor the peril that others had feared. (MSE)

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COLLECTIVE BARGAINING IN HIGHER EDUCATION: THE FIRST DECADE

Daniel J. Julius

Collective bargaining in higher education can no longer be characterized as a truly new phenomenon. Presently, one out of every four faculty and professional staff, approximately 120,000 individuals—two-thirds of whom work in four-year colleges—are members of a labor organization (Garbarino 1977). The Academic Collective Bargaining Information Service estimates that professors at nearly 500 campuses are engaged in collective negotiations (ACBIS, Special Report #12). During 1976 alone, 15,000 faculty and professional staff elected bargaining agents—the highest number since 1971 (Garbarino and Lawler 1977). Moreover, in a number of eastern states, notably New York, New Jersey and Pennsylvania, 95 percent of the public institutions are organized. Hankin (1976) reports that close to 30 percent of the two-year sector is organized—with many additional campuses expected to unionize. Kelley and Rodriguez (1977) predict that, on the basis of past and present trends, within the next decade 85 percent to 90 percent of American public postsecondary institutions and 50 percent to 55 percent of private colleges and universities will replace shared-authority systems with collective bargaining. One point is assured: unlike student activism in the sixties, faculty activism in the seventies is institutionalizing itself and, in the process, causing both subtle and overt changes in American institutions of higher education.

During the past decade the literature on collective bargaining has evolved from anecdotal discussions of particular experiences to material that is more sophisticated and analytical. In the early years the market was flooded with a plethora of value-laden books, monographs, articles and discussions devoted to the subject. Underlying assumptions repeatedly implied that a research culture, the advancement of learning, intellectual independence, innovative thinking, and delicate institutional membranes would fail to survive the adversarial relationships inherent in U.S.-style trade unionism (Carr and Van Eyck 1973; Kadish 1972; Wollett 1973). At this juncture what is being written about unions in academe is far less sensational and emotional. A number of thorough studies have appeared that address themselves to why particular groups of faculty organize and their impact on governance mechanisms (Begin, Settle, and Alexander 1977; Kemerer and Baldridge 1975; Garbarino 1975; Mortimer and Richardson 1977; Mortimer, ed. 1976), on students (Klotz, ed. 1975; Shark and Brouder et al. 1976), on salaries (Birnbaum 1974, 1976; Morgan and Kearney 1977; Brown and Stone 1977) and on the significant statutory issues regarding faculty collective bargaining (Weinberg 1976; Feller and Finkin 1977; Mortimer and Johnson 1976).

Much of the comprehensive research on faculty unionism is being done at the Institute of Management and Labor Relations (Rutgers University), the Center for the Study of Higher Education (Pennsylvania State University), and at the Institute of Business and Economic Research (University of California, Berkeley). Interesting and worthwhile literature is also distributed by the American Federation of Teachers, National Education Association, American Association of University Professors, the Academic Collective Bargaining Information Service, and the National Center for the Study of Collective Bargaining in Higher Education at Baruch College. Of special interest is the AAUP *Primer on Collective Bargaining* (Finkin, Goldstein, and Osborne 1975), which provides an analysis and explanation of the laws and procedures that accompany bargaining, and the work of Loewenthal and Nielsen (1976), who are staff members of the American Federation of Teachers. The latter are among the first to draw parallels between collective bargaining in American higher education and European craft guilds.

The Key Predictors in the Public and Private Sectors

A number of studies now indicate that the key predictors of faculty unionism are institutional transition and growth, size, affiliation (public versus private), the presence of enabling legislation, and poor faculty and administration relationships caused by structural and functional change (Garbarino 1975; Begin, Settle, and Alexander 1977; Chandler, Julius, and Mannix 1977). Larger campuses and/or emerging institutional systems are more apt to have collective bargaining agents. This finding is attributed to the greater number of public colleges and universities engaged in bargaining and to the delineation of state labor relations boards of system-wide faculty units. Organizational growth and functional adaptation are reflected in changes in the ethnicity and socioeconomic status of students, in faculty commitments to teaching and research, in mushrooming coordinating agencies, and in a centralization of decision-making functions in state departments of education. "In the process of adapting to these changes," writes Garbarino (1975, p. 11), "strains are placed on existing faculty governance mechanisms, and one of the modifications that has appeared is the faculty union."

Collective bargaining has made the least headway in the private sector. When colleges are struggling to bridge tuition and income gaps and endowment fails to keep pace with soaring costs, an overriding concern for survival blocks out other options, such as collective bargaining. When a private school faculty facing these conditions does embrace collective bargaining, this move often represents a shifting of priorities due to the presence of a strong negative stimulus, such as a particularly recalcitrant administrator. In two-year colleges, 97 percent of all organized institutions are

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public. Even though the NLRB[1] assumed jurisdiction over private schools in 1970, only 4.5 percent of the private community and junior colleges have embraced unionization. It should be noted that private two-year institutions constitute barely one percent of all two-year institutions (Hankin 1976).

Survey Data

Current studies indicate that the use of data garnered from attitudinal surveys may produce invalid predictions concerning faculty bargaining behavior. Seidman, Edge, and Kelly (1974) were unable to predict faculty voting behavior using a pre-election attitude survey. Lozier and Mortimer (1974) found that in the context of an election, factors such as age, tenure status, and experience gave way to academic atmosphere, institutional traditions, and the nature of the ties between the faculty and administration. Although younger, lower-ranked and nontenured faculty were shown to have attitudes more supportive of collective bargaining (Ladd and Lipset 1973), Begin, Settle and Alexander (1977) demonstrate that in New Jersey, in every instance, professors were led into collective bargaining by senior, tenured, and respected faculty. Moreover, in contrast to the findings of Ladd and Lipset, who assert that professors in the social sciences and humanities were those who harbored favorable attitudes toward collective bargaining, at Rutgers University, the New Jersey Institute of Technology, and at the College of Medicine and Dentistry of New Jersey the leadership was dominated by natural scientists! The attitude of faculty toward strikes, measured by Carnegie Commission surveys in 1969 and 1977 (Ladd and Lipset 1973; *Faculty Bargaining* . . . 1977), where large percentages of the professoriate responded favorably to the notion of using a strike to break impasses, is thoroughly inconsistent with the actual number of strikes that have occurred in higher education (Begin, Settle, and Alexander 1975). Evidence now suggests the strike threat is not an effective mechanism in higher education, even though the strike has proven its worth in the industrial sector and in public schools (Kelley and Rodriguez 1977).

Academic Senates

The impact of faculty unions on governance systems, particularly faculty senates, is a topic that has attracted considerable attention. Earlier analyses, most of which predicted the demise of academic senates, failed to do justice to the complexities of the situation. Recent studies now illustrate that predictions that senates would be displaced from the decision-making process by unions were exaggerated and premature (Garbarino 1975; Baldridge and Kemerer 1976; Begin 1977; Duryea and Fisk 1975). Senates have not disappeared. In fact, on many campuses (particularly community colleges) bargaining agents have created senates. In general, senates have emerged from bargaining stronger and more active but with a narrower and more focused responsibility. Carbarino (1975) found that before bargaining, senates were involved in virtually every aspect of the university, with their efforts consequently diffuse and often ineffective. Senates on campuses with bargaining discovered that although they could talk about anything they chose, their real effectiveness lay in areas that were not within the scope of bargaining. Mannix (1977) has observed that college administrators were concerned in the early days of bargaining that senates would attempt to "un-bargain" or re-bargain the same issues that the bargaining agent had raised. As the narrower role of senates has emerged on campuses with contracts, this wariness over the "two bites of the apple" possibility has eased.

[1]Cornell University, 183 NLRB No. 41 (1970)

Impact on Students

Whether or not students should participate in collective bargaining and the potential impact of faculty unions on students has generated a wealth of literature (Bucklew 1973; Aussieker 1973). Once again, earlier writings suggested a sensational impact. Specifically: that increases in faculty salaries and fringe benefits will come from students in the form of higher tuition and fees, that strikes will interrupt educational endeavors, and that students will lose many of the rights gained during the turbulent sixties (Shark 1973; Bond 1974). Although variations on these themes surface periodically, time has given those interested in the nature of the relationship between students and faculty unions the advantage of being more sober. It is now generally agreed by all of the major participants in the debate that, although the potential exists, bargaining to date has not had a distinguishable impact on undergraduates. The final report of a major research project on students and collective bargaining concludes that "it is difficult to assess collective bargaining's actual impact on students and student interests" (Shark and Brouder et al. 1976, p. 178).

Borus (1975a), in a survey of one hundred carefully-matched, unionized and nonunionized institutions between 1970 and 1974, found that student services in unionized schools had been maintained and that tuition increases were due not to salary increases but to declining enrollments and varying levels of state funding. Garbarino (1977, p. 34) intimates that, on balance, "student participation in governance, as distinct from negotiations, has been expanded as unions and administrations have made concessions in governance areas to avoid including students in bargaining." In four states, Oregon, Montana, Maine, and Florida, public sector legislation now mandates that students be permitted to take part in negotiations (Means and Semas 1976). However, students usually align themselves with the management team (Shark and Brouder et al. 1976) and, in the event of turmoil between the parties, neither the faculty nor the administration will hesitate to attempt to manipulate students for their particular ends (Begin, Settle, and Alexander 1975; Borus and Wisner 1975b). In the most recent discussion of the topic Feller and Finkin (1977, p. 42) argue that there are no sound reasons to involve students in collective bargaining negotiations. They submit that ". . . direct student participation may pose a fundamental danger to the achievement of a system of collective bargaining compatible with sound principles of academic government." That students can affect the process, by their actions or even their presence, is generally acknowledged (Shark and Brouder et al. 1976). The question of whether or not students can have an impact on the substantive outcomes of bargaining has not yet been answered.

Salaries and Fringe Benefits

Union impact on salaries and fringe benefits has been a topic of heated debate—and the end is not in sight. Originally, Birnbaum (1974, 1976) found a positive relationship. The American Philosophical Association (1976) and Morgan and Kearney (1977) concurred in this opinion. Lately, Birnbaum (1977) has recanted, agreeing with Brown and Stone (1977) who maintained from the beginning that no relationship exists between bargaining and higher salaries. Kemerer and Baldridge (1975) believe that both union and nonunion faculties gain monetarily from collective bargaining. Presently, Bain (1976) and Garbarino (1977a) assert that isolating the effects of unionization on salary and fringe benefits is very difficult. Those individuals concerned with this phenomenon have finally come to the same conclusion, known to researchers who have attempted to study the impact of unions on salaries in the industrial sector during the past thirty years!

Faculty-Administration Relationships

Research on the impact of unionism on faculty-administration interaction reveals little hard data and much speculation. Those concerned with power relationships in the university have observed that administrators, notably presidents, feel that unionism has resulted in an erosion of their authority. Kemerer and Baldridge (1975) report that despite these feelings of vulnerability, there is actually a shift toward greater administrative power. Internally, more and more decisions are forced upward, away from departments to the central administration. Mortimer and Richardson (1977) agree there is an increased centralization of decisionmaking authority, with the principal beneficiaries being state boards, executive branches of state governments, and the central administration and union headquarters in multicampus systems. In the public sector, power shifts occur as unions attempt to bypass local campus administrators and negotiate directly with those who control finances (Duryea and Fisk 1975), i.e., state legislators or state executives. Mortimer and Richardson (1977) note that patterns of adaptation probably reflect the pre-bargaining situation. No comprehensive study exists of changes in power-and-authority relationships in the unionized private institution.

There is general agreement that the big losers will be middle-management personnel (deans and department chairmen) and, in multicampus situations, local college presidents (Garbarino 1977a; Kelley and Rodriguez 1977; Ehrle and Earley 1977). It has also been suggested that "disenfranchised" groups, nonteaching professionals, junior faculty and part-time personnel may attain greater leverage at the expense of senior faculty (Mortimer, ed., 1976).

Process versus Substance

In an attempt to further discern the impact of collective bargaining, researchers and practitioners have discovered that unionism is neither the panacea that some had hoped for nor the peril that others had feared (Angell 1976). Reports prepared for the American Philosophical Association (1976), Government Employee Relations report ("Faculty Organizing: . . ." 1976), and the American Association of University Professors (White 1976) concluded that faculty bargaining did not affect "quality" in education. Kemerer and Baldridge (1975, p. 201) summarized that, "looking at the whole picture, it is not entirely clear if faculty gain influence by resorting to a union, or not."

The most significant impact collective bargaining has had concerns the nature of the decisionmaking process. Unions have replaced procedures for consultation, which previously had been informal, tacit, and customary, with procedures that are formal, explicit, and contractual. The advent of collective bargaining has brought more people into the decisionmaking process and also has caused a proliferation of rules and regulations (Garbarino 1975; Leslie 1975). Administrators have become accountable for decisions which, before bargaining, could be sent back to academic committees for further deliberation. Collective bargaining will encourage the development and implementation of management systems in colleges and universities.

There has also been a transformation in the methods and processes of conflict resolution. Reliance on formal authority is greater and external reviews of internal decisions are more frequent. The result has been a formalization of policy, attention to fine procedural detail, and consistency of treatment in evaluations and promotions (Leslie 1975). In the final analysis, faculty unionism is a reaction to the failure of existing structures and standards--whatever they may have been.

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